

In the Matter Of:

ROBERTS vs SOUTHEASTERN UNIVERSITY, INC.

2017-CA-001248

KRISSA WALLSTEADT

September 27, 2017



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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

CASE NO.: 2017-CA-001248

ALI DELANEY ROBERTS,
Plaintiff,

v.

SOUTHEASTERN UNIVERSITY, INC.
Defendant.

_____/

DEPOSITION OF: KRISSA WALLSTEADT
TAKEN ON BEHALF OF THE PLAINTIFF

DATE TAKEN: WEDNESDAY, SEPTEMBER 27, 2017

TIME: 3:11 P.M. - 3:54 P.M.

PLACE: ESQUIRE SOLUTIONS
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LAKELAND, FLORIDA

REPORTED BY: AMY J. HUDSON, COURT REPORTER
AND NOTARY PUBLIC - STATE OF FLORIDA

1 APPEARANCES :

2
3 JOSEPH G. ALVAREZ, ESQUIRE
4 The Matassini Law Firm, P.A.
5 2811 West Kennedy Boulevard
6 Tampa, Florida 33609
7 (813) 879-6227 - Telephone
8 jga@matassinilaw.com

9 Attorney for the Plaintiff

10 NICHOLAS "NICK" J. MARI, ESQUIRE
11 O'Connor & O'Connor, LLC
12 840 South Denning Drive, Suite 200
13 Winter Park, Florida 32789
14 (407) 843-2100 - Telephone
15 nmari@oconlaw.com

16 Attorney for the Defendant

17 BLAKE E. PAUL, ESQUIRE
18 Peterson & Myers, P.A.
19 225 East Lemon Street, Suite 300
20 Lakeland, Florida 33803
21 (863) 683-6511 - Telephone
22 bpaul@petersonmyers.com

23 General Counsel for Southeastern University
24
25

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between
counsel present at this deposition and by the
Deponent that the witness review of this deposition
would not be waived.

PROCEEDINGS

Thereupon,

KRISSA WALLSTEADT,
having been first duly sworn by this court reporter,
was examined and testified upon her oath as follows:

DIRECT EXAMINATION

BY MR. ALVAREZ:

Q. All right. Good afternoon,
Ms. Wallsteadt. My name is Joe Alvarez. I'm with
The Matassini Law Firm, and I represent Ali Roberts
in this case.

This is not an interrogation. I'm not
trying to intimidate you or anything like that. If
you don't understand any of my questions, please ask
me to repeat it. It's supposed to be very relaxed.
A lot of people who haven't given their deposition
before, they get nervous. People who have given it
before get nervous anyway. So don't feel nervous.

If you need me to repeat something, tell
me. A lot of times people want to say uh-huh or
uh-uh or yes or no -- or shake their head yes or no.
We need a verbal response for Madam Court Reporter.

And have you ever given a deposition
before?

A. Yes, sir.

1 Q. Okay. When have you given a deposition?

2 A. I witnessed a car accident.

3 Q. Okay. Can you please state your full name
4 and spell your last name for the record.

5 A. Krissa Wallsteadt. The last name is
6 spelled W-A-L-L-S-T-E-A-D-T.

7 Q. And you're employed with Southeastern,
8 correct?

9 A. Yes, sir.

10 Q. And how long have you been with
11 Southeastern?

12 A. About two and a half years. Yeah, two and
13 a half years exactly, I believe.

14 Q. What exactly do you do for Southeastern?

15 A. I'm the head cheerleading coach.

16 Q. Can you describe your duties as the head
17 cheerleading coach?

18 A. My duties as the head cheerleading coach
19 are: I select a team, run practices, we perform
20 and -- what's the word -- we exhibit -- we do
21 appearances. That's the word I'm looking for.

22 Q. Okay. What type of training or education
23 do you have that would enable you to be a head cheer
24 coach with SEU?

25 A. Sure. I was a gymnast and cheerleader

1 myself for my entire life and I have coached at the
2 middle school and high school level as a coach, and
3 then in addition to that I was a professional
4 cheerleader for a national organization that
5 specializes in coaching, choreographing and hosting
6 camps for cheerleaders across the nation -- well,
7 really, across the world.

8 Q. And what's the name of that national
9 organization?

10 A. United Spirit Association is what it is
11 called. It's owned by a much larger company called
12 Varsity. Varsity owns, I mean, probably 20 to 30
13 different cheerleading brands, including uniforms
14 and other organizations that do what I did, called
15 USA.

16 Q. Okay. Were you a collegiate cheerleader?

17 A. No, sir, not myself. I worked for -- I
18 went to a very, very small private school --

19 Q. Okay.

20 A. -- in Seattle, and so I -- through college
21 I did this, USA, as opposed to -- they didn't have a
22 cheerleading team where I was.

23 Q. Gotcha.

24 Now, when you were a cheerleader, were you
25 a flyer or were you a base?

1 A. I did all, so I flew, I backed and I
2 based.

3 Q. Have you ever fallen?

4 A. Yes, sir.

5 Q. Have you ever sustained a concussion
6 cheerleading?

7 A. Never a concussion, no.

8 Q. Did you have any teammates that ever
9 sustained a concussion?

10 A. I'm sure I have.

11 Q. Why do you say you're sure you have?

12 A. Just because it's a very physical sport,
13 and so there are -- I've experienced a lot of
14 injuries myself. Never a concussion that was
15 diagnosed, but definitely.

16 Q. Have you ever experienced a concussion
17 that was undiagnosed?

18 A. I don't believe so.

19 Q. Have you ever witnessed one of your
20 teammates fall and sustain a concussion?

21 A. No, sir, I don't believe so, unless -- I
22 don't believe so.

23 Q. Do you have any training in proper
24 handling of concussions?

25 A. At Southeastern that's not a part of my

1 job, so no.

2 Q. Is there any other organization that
3 you've been a part of that training with responding
4 to concussions has been a part of your job?

5 A. No. We leave the diagnosis and treatment
6 of a concussion to our athletic training department
7 everywhere I've ever been a cheerleader or coached.

8 Q. So you always defer to the ATs, the
9 athletic trainers?

10 A. Always.

11 Q. At anywhere you've ever coached was there
12 a physician on staff that responded to concussions?

13 A. I don't know.

14 Q. In high school -- you've coached high
15 school cheerleaders, correct?

16 A. Yes, sir.

17 Q. What school?

18 A. Foothill High School in Pleasanton,
19 California. It's nowhere around here.

20 Q. And so did you ever observe any of your
21 cheerleaders fall and sustain a concussion at
22 Foothill High School?

23 A. No, sir.

24 Q. Have you ever observed any of your
25 cheerleaders fall and sustain a concussion?

1 A. In my history as a coach?

2 Q. Yes.

3 A. Yes, sir.

4 Q. How many?

5 A. Three that I can think of, off the top of
6 my head.

7 Q. Were any of those --

8 A. Four.

9 Q. Four.

10 A. Four that I can think of.

11 Q. Any of those four, were they before Ali
12 Roberts?

13 A. Yes, one. Hang on. I don't -- I would
14 have to think about that. Off the top of my head, I
15 don't -- I think one of them was before Ali Roberts.

16 Q. Okay. Who was that?

17 A. Hang on. Let me count my concussions at
18 Southeastern.

19 I don't think that they were before Ali.
20 I would really have to think about that. That was
21 my first season at Southeastern and I had several
22 injuries and I just don't remember right now. I'm
23 sorry.

24 Q. Sure. Sure.

25 Now, when you were -- prior to

1 Southeastern, did you ever have any students or --
2 student athletes that were under your supervision
3 that sustained a concussion?

4 A. No. I never had concussions before
5 Southeastern.

6 Q. Okay. So since you've been at
7 Southeastern you've had four student athletes
8 sustain concussions?

9 A. I believe it's four. I'm so sorry. I had
10 said three and then I corrected myself to four, but
11 now I think there may have only been three.

12 Q. Okay. So three total students have
13 sustained concussions since you've been a coach at
14 Southeastern for the past two and a half years,
15 correct?

16 A. Yes, sir.

17 Q. And would those three include Ali Roberts?

18 A. Yes, sir.

19 Q. Okay. Have you ever been a head coach for
20 any collegiate institution prior to Southeastern?

21 A. No, sir.

22 Q. Do you have any training or certification
23 in the proper spotting techniques for cheerleading?

24 A. I do now, but I didn't at the time of
25 Ali's incident.

1 Q. Okay. You do now. What type of training
2 in techniques were you taught since this?

3 A. However, if I may go back and just say. I
4 have been taught absolutely tons and tons, but I
5 have an official certification, which is simply just
6 something to add to my resume.

7 Q. Okay. When did you obtain that official
8 certification?

9 A. This month.

10 Q. Where did you obtain the official
11 certification?

12 A. It's through, really, the gold standard in
13 cheerleading safety called AACCA. It's A-A-C-C-A.
14 I believe it's the American Association of
15 Collegiate -- I'm sorry -- American Association
16 of --

17 Q. Cheerleading Coaches and Administrators?

18 A. -- Cheerleading Coaches and -- okay. You
19 knew. I'm sorry.

20 Q. Would you consider -- you said it's the
21 gold standard. So what AACCA says is authoritative?

22 A. Yes.

23 Q. Okay. Do you know if AACCA has a
24 concussion policy?

25 A. Off of the top of my head, they offer

1 concussion training. Again, due to the fact that
2 I'm not required to do anything other than refer my
3 athletes to the athletic training department, my
4 policy is simply that I do that, I refer my student
5 athletes to the athletic trainers.

6 Q. Are athletic trainers always on-scene
7 during practices --

8 A. No, sir.

9 Q. -- or games?

10 A. They're not required to be on-scene at my
11 practices, but they are on-scene for all games, that
12 I have any recollection of.

13 Q. But injuries can occur at practice, right?

14 A. Yes, sir.

15 Q. Okay. And so if an injury occurs at
16 practice, for instance, a concussion, what's the
17 proper protocol that you're supposed to follow -- or
18 strike that.

19 Is there a special protocol you're
20 supposed to follow if a student sustains an injury
21 at practice and there's no athletic trainer present?

22 A. Every injury is different. So while,
23 yes -- I would say, yes, there is. It just is so
24 different.

25 Q. Okay. We can narrow that down. Let's say

1 a student athlete sustains a concussion at practice.
2 Is there a certain policy or protocol you're
3 supposed to follow to ensure that student gets
4 treatment when an athletic trainer is not present?

5 A. I can't diagnose a concussion, nor would
6 my athletic training department want me to diagnose
7 a concussion. So if I see that somebody is
8 stumbling, vomiting, can't remember what just
9 happened, their eyes are rolling back in their eyes,
10 I would certain- -- and I knew that they had just
11 sustained a head trauma, I would certainly call my
12 athletic trainer, whoever that may be, whether it's
13 Lana or the head athletic trainer, Jem, and then ask
14 him what to do -- him or her what to do.

15 Q. Did you call -- well, strike that.

16 Ali Roberts fell and sustained a head
17 trauma on September 1st, 2016, right?

18 A. Yes, sir.

19 Q. And she had a loss of balance?

20 A. Not that I observed.

21 Q. Was she drowsy?

22 A. Not that I observed.

23 Q. You had an opportunity to observe her
24 after she fell, right?

25 A. Yes, sir.

1 Q. Did she exhibit any of -- you say not that
2 you observed. Did she indicate any kind of --
3 you -- strike that.

4 You said she did sustain a head trauma,
5 right?

6 A. I did see Ali fall. I didn't see her head
7 hit the ground necessarily. I mean, we have hard
8 falls all the time. So I did observe that she had
9 fallen, but I didn't necessarily observe that it was
10 a direct head hit or hitting the ground.

11 Q. Did you have any indication that she
12 stained a head trauma at that time?

13 A. I knew she bonked her head. I did not
14 know, nor did I think, that she had a concussion at
15 the time.

16 Q. Did she -- was she nauseous at the time?

17 A. No, sir.

18 Q. Did she have blurred vision at the time?

19 A. No, sir.

20 Q. Did she have dizziness at the time?

21 A. No, sir.

22 Q. Did she have a loss of balance at the
23 time?

24 A. No, sir.

25 Q. Drowsy?

1 A. No, sir.

2 Q. Do you know if she lost consciousness?

3 A. She did not.

4 Q. Do you know if she had memory loss?

5 A. She did not.

6 Q. Did she appear confused?

7 A. No.

8 Q. Did she tell you she had a headache?

9 A. Probably. She -- when an athlete is
10 injured at practice or just needs to walk away --
11 sometimes an athlete is hurt at practice or has a
12 hard fall and just needs to walk away for a second.
13 You understand that. And so she needed to walk
14 away. So she walked away and sat down.

15 Because Coach Kim walked over, who I know
16 you're deposing next. She -- practice still needs
17 to go on when an athlete needs to walk away. That
18 doesn't necessarily mean that they're -- they have a
19 concussion or a broken bone, but if they did or if I
20 suspected that, all practice could stop for a second
21 and then we can, you know, pay attention to the
22 athlete. I went on to run practice, and Coach Kim
23 more tended to Ali. She wasn't gushing blood, she
24 didn't look as though she was about to throw up or
25 pass out, so I felt comfortable turning away and,

1 you know, moving on with practice, but if she had a
2 compound fracture, things probably would have gone
3 differently.

4 Q. Okay. So I guess it's safe to say, since
5 you didn't believe she sustained a head trauma, you
6 didn't call Lana Olson or the head athletic trainer
7 at that time, correct?

8 A. Exactly. I really didn't.

9 Q. And you said Kim Henry attended to Ali
10 Roberts. Do you know if Kim Henry believed she
11 sustained a head trauma?

12 A. I don't know.

13 Q. Do you know who took Ali Roberts home that
14 night?

15 A. Kim Henry took Ali home.

16 Q. And why did Kim Henry take her home that
17 night?

18 A. She didn't take her home, actually. She
19 took her to a friend's house, perhaps her
20 boyfriend's house at the time. And she took her
21 home because she asked to, that -- maybe it was --
22 she just -- it was near the end of practice and it
23 would just be better for her to go home.

24 Q. And why would it be better for her to go
25 home?

1 A. I don't know. Because she wanted to. I
2 don't know.

3 Q. Did she tell you she wanted to go home?

4 A. She didn't tell me, no.

5 Q. Then why are you saying it would be better
6 for her to go home?

7 A. I don't know. Maybe it wouldn't have been
8 better. I don't know.

9 Q. Do you have any idea why Ali didn't drive
10 herself home?

11 A. I don't think that anybody who has a hard
12 fall should drive themselves home. I believe that
13 any athlete, if they experienced a hard fall, we
14 would offer to drive them or make sure that they had
15 a ride home.

16 Q. She didn't get a ride home because she
17 sustained a concussion, did she?

18 A. I mean, that's a funny question. We all
19 know now that she sustained a concussion, but
20 nobody -- or I certainly didn't, at the time, think
21 Ali has a concussion, she needs to go home and go to
22 sleep. I think that, from my understanding of
23 concussions -- and, again, I'm not an athletic
24 trainer -- it's probably the worse thing that, you
25 know, you can do, is go home and go to sleep. I

1 just -- I really didn't think that -- I just thought
2 that --

3 Q. You probably --

4 A. -- she fell.

5 Q. You probably learned that from AACCA's
6 concussion training, right?

7 A. No, sir. I don't have their concussion
8 training.

9 Q. You never got their concussion training?

10 A. No, sir. I'm not required to.

11 Q. Southeastern doesn't make you do that?

12 A. There are a myriad of certificates that
13 are available for all sports, and I have --

14 Q. You would agree with me that --

15 A. -- the one I do.

16 Q. You would agree with me that cheerleading
17 is an acro sport, correct?

18 A. It is an acrobatic sport, yes.

19 Q. Okay. And earlier, I think, you said that
20 cheerleading is a pretty aggressive contact sport,
21 or it's a -- what was the word you used?

22 A. I probably said it was a contact sport.
23 It is.

24 Q. And injuries can occur, right?

25 A. Absolutely.

1 Q. Okay. Do you know if the AACCA said, if
2 there's any indication whatsoever of a head trauma,
3 the person -- EMS needs to be called immediately to
4 evaluate the student athlete? Do you know if that's
5 in their concussion protocol?

6 A. I don't know if it is or if it's not.

7 Q. If it is in their concussion protocol,
8 would you continue to agree -- or to make a
9 statement that the AACCA is the gold standard for
10 cheerleading?

11 A. They are, but, again -- I can see the
12 point you're getting at. I really didn't think that
13 she had a concussion.

14 Q. Okay. Do you know if any of the other
15 student athletes thought she had a concussion?

16 A. I don't know.

17 Q. Did you speak with any of the other
18 student athletes about Ali Roberts at the time of
19 the incident?

20 A. No. We moved on with practice.

21 Q. You would agree with me that a student
22 athlete's safety is first and foremost in front of
23 practice, right?

24 A. Of course, it is.

25 Q. Do you know how many concussions Ali had

1 prior to this incident?

2 A. I didn't know that she had had any
3 concussions prior.

4 Q. You had never had any discussions with Ali
5 prior to this incident?

6 A. About concussions, no, sir. After we
7 found out she had a concussion, it was confirmed,
8 that's when she said she had had another concussion.

9 Q. And you've coached Ali for two years,
10 right?

11 A. I coached her for -- yes. This was going
12 to be her second season. So it was about a year and
13 a half that I was Ali's coach.

14 Q. So for a year and a half you never had any
15 discussions with her about her prior concussions?

16 A. No, sir.

17 Q. And if Ali said differently, you would
18 take an issue with that?

19 A. I wouldn't take an issue with that, I love
20 Ali, but I -- I really had never had a -- as far as
21 I could remember.

22 Q. Now, you have received training from
23 AACCA, as they're the gold standard. I'm going to
24 show you a photograph. I'm going to mark that as
25 Plaintiff's Exhibit 3 [sic].

1 (Plaintiff's Exhibit No. 1 was marked for
2 identification.)

3 Do you recognize that photograph?

4 A. Yes, sir.

5 Q. How do you recognize that photograph?

6 A. I believe I took that photo.

7 Q. So you were in front of them the entire
8 time they were performing a stunt, right?

9 A. Yes, sir.

10 Q. And you said you didn't see Ali hit her
11 head?

12 A. I don't remember seeing a direct hit. I
13 mean, I knew that she hit the ground and I knew the
14 angle at which she hit the ground, but it could have
15 been --

16 Q. You don't think she hit her head?

17 A. -- her head, it could have been --

18 I'm not saying I don't think she hit her
19 head. I think she hit her head. I just --

20 Q. So at that time you thought she hit her
21 head, right?

22 MR. MARI: Objection to the form.

23 BY MR. ALVAREZ:

24 Q. On September 1st, 2016, at the time of the
25 fall, did you believe she hit her head?

1 A. I believe that she hit from her shoulders
2 up, but I -- I --

3 Q. What's above your shoulders?

4 A. Your head, but you can also hit your neck.

5 Q. Thank you.

6 A. Okay.

7 Q. The gentleman below Ali, that's her base,
8 right?

9 A. Yes, sir.

10 Q. Okay. And what is his name?

11 A. Deandre Wimberly.

12 Q. Do you see the shoes he's wearing?

13 A. Yes, sir.

14 Q. Are those athletic shoes?

15 A. Those shoes are suitable for doing what
16 Deandre was needing to do at the time.

17 Q. Okay. What was he doing at the time?

18 A. Stunting.

19 Q. So Chuck Taylors, those particular shoes,
20 those Converse shoes, those are suitable athletic
21 shoes for stunting?

22 A. Stunting involves a lot of lifting. And a
23 lot of weightlifters will wear Chuck Taylors as --
24 just because you have more contact with the ground.
25 And so I didn't find an issue with it because he

1 wasn't going to be tumbling. And I don't think that
2 those are proper tumbling shoes, but I felt that
3 they were fine for what he was doing.

4 Q. Do you know if the AACCA would approve
5 those shoes as a base?

6 A. I'm sorry. I don't. They may.

7 Q. Do you know if the AACCA has anything in
8 their college safety rules with regards to proper
9 shoewear?

10 A. I don't know.

11 Q. Okay. But you just obtained training from
12 the AACCA a month ago, correct?

13 A. It was a very, very broad overview and not
14 detailing every single rule that they have.

15 Q. Do they talk about concussions at all?

16 A. They do.

17 Q. Do you recall what the AACCA said about
18 concussions during your training a month ago?

19 A. No.

20 Q. Would you agree with the premise that
21 proper screening needs to occur to evaluate each
22 individual cheerleader's respective abilities prior
23 to them engaging in stunts?

24 A. Will you rephrase that?

25 Q. Okay. Would you agree with the premise

1 that proper screening in order to evaluate
2 individual cheerleader's respective abilities needs
3 to occur prior to them performing stunts?

4 A. Are you asking whether their individual
5 skill set needs to be screened prior to putting them
6 into a stunt?

7 Q. Yes.

8 A. Absolutely.

9 Q. Okay. Did you screen Deandre's skill set
10 prior to allowing him to be Ali's base?

11 A. Yes.

12 Q. Describe that screening process for me.

13 A. I think anybody who has been in a sport
14 before, if you watch somebody else perform that
15 sport, especially if you have participated yourself
16 at a high level, you can just kind of see whether or
17 not somebody really has it. I had observed Deandre
18 for about a year and a half prior to this incident,
19 and he's a fantastic base to which I would put very
20 little restrictions on because I trust him so much.
21 I would put myself on top of Deandre in a heartbeat.

22 Q. What about Ali? Did you perform any
23 screening of Ali's abilities prior to allowing her
24 to perform that stunt?

25 A. Ali is a fantastic flyer, one of the best

1 I've ever had. And I feel 100 percent confident in
2 anything that we would ask her to do.

3 Q. And this fall, would you characterize it
4 as an accident?

5 A. Absolutely.

6 Q. You don't think it had anything to do with
7 either Ali's or Deandre's abilities?

8 A. It was nothing to do with their abilities,
9 no.

10 Q. What did it have to do with?

11 A. This is very unfortunate that Ali
12 sustained this injury. Any injury is unfortunate.
13 We never want that. As you stated, safety is number
14 one. But this injury was Ali's fault.

15 Q. This injury was Ali's fault?

16 A. Yes, sir.

17 Q. Okay. Why do you think this injury was
18 Ali's fault?

19 A. Ali has performed this exact stunt many
20 times, even on top of Deandre. And Ali, when she
21 fell, said to me -- after she fell, she said, "I
22 didn't know we were going." This is difficult to
23 explain because -- it's easier to explain to
24 somebody who has performed a skill like this or
25 tumbled. But Ali is not a -- this is a technical

1 term here. She's not a freaker-outer. Ali doesn't
2 freak out. What I mean by that is, if I'm asking
3 Ali to perform a difficult skill or perhaps a skill
4 she's done many times and she starts to go and she
5 gets scared, some flyers, bases will stop in the
6 middle of going and they'll kind of half go. And
7 when they half go, it's impossible, nearly, to
8 perform whatever the skill is; and furthermore,
9 typically that's when injuries happen in tumbling or
10 stunting. Ali half went. And because she
11 stopped -- I don't remember if we were doing this to
12 counts or to music -- but she didn't think she was
13 going to go. The rest of the stunt -- you can see
14 the other side. There's another young lady being
15 tossed by a male athlete and her stunt finished and
16 went up in the air, as it was supposed to, as Ali's
17 was, but --

18 Q. Ali was dropped after she was cleared to
19 return to play, right?

20 A. We are jumping quite a bit forward here.

21 Q. Yes.

22 Ali was ultimately returned to -- cleared
23 to return to play after her September 1st
24 concussion, right?

25 A. Yes, sir.

1 Q. Okay. Did she fall or was she dropped
2 after that September 1st incident?

3 A. She had -- I would consider it a hard
4 landing. I wouldn't consider it a hard fall like I
5 would consider the September 1st incident. She had
6 a hard landing.

7 Q. What's a hard landing? Describe that for
8 me.

9 A. A hard landing is when the athletic is
10 tossed in the air and when she comes down to the
11 ground maybe her fall isn't braced quite as strong
12 as it normally is, and so because of that she just
13 kind of hits the ground a little bit harder than
14 typical.

15 Q. Is there, like, a jarring motion when you
16 hit the ground on a hard fall -- on a hard landing,
17 like you said?

18 A. It's like jumping down from any higher
19 surface. Yes, of course, there is.

20 Q. Is there kind of like a rattling of the
21 brain at all?

22 A. I don't think it was that hard of a fall
23 and I don't think it affected her head.

24 Q. But you're not a brain doctor, you don't
25 have any neuropsychology or neurologist training, do

1 you?

2 A. You're hilarious. No.

3 Q. What was the particular stunt being
4 performed in that particular photo?

5 A. This is called a connected rewind.

6 Q. Do you know if a connected rewind is the
7 same as a back tuck up cuppy or cupie?

8 A. You can call it a back tuck up cupie.
9 That's just not proper terminology.

10 Q. Do you know if that -- what was the term
11 you used?

12 A. A rewind, a connected rewind.

13 Q. Connected rewind.

14 Do you know if a connected rewind is
15 permissible under the AACCA college safety rules?

16 A. Yes, sir, absolutely. In fact, an
17 unconnected rewind, just simply called a rewind,
18 where, again, in Exhibit 3 you can see that Ali is
19 holding the hands of two other young ladies who are
20 in the air. And if she was not hanging onto their
21 hands whatsoever and Deandre, her base, was simply
22 throwing her without any bracing whatsoever, which
23 Ali has performed by the way, that in and of itself
24 is even legal. So it's extra legal, so to speak,
25 with the connection to the other two young ladies.

1 Q. Okay. Why wasn't Ali taken to the
2 hospital after her fall?

3 A. I didn't have that conversation with her,
4 but Kim Henry asked if she wanted to go to urgent
5 care and she said no, she was fine.

6 Q. And you're the head coach, and so it's
7 your responsibility to ensure the safety of your
8 student athletes, right?

9 A. Yes, sir, but, yet again, I did not think
10 that she had sustained such a serious injury.

11 Q. Did she have any kind of indication of a
12 head trauma?

13 A. I remember her sitting down. That doesn't
14 necessarily mean it was -- I mean, you know,
15 somebody will hurt their hamstring and want to sit
16 down for a second.

17 Q. But you knew she hadn't hurt her
18 hamstring. You yourself said she had a fall -- had
19 a hard fall and she had hit above her shoulders.

20 A. I'm just simply saying that she took a
21 seat, which wasn't highly alarming to me. That's
22 all I was saying with the hamstring comment. And
23 she had just -- she said that it was just kind of
24 loud and she wanted to go out into the lobby area,
25 which isn't as loud.

1 Q. Do you have any idea why she wanted to get
2 away from loud noises?

3 A. Because she had just had a fall.

4 Q. And you say Kim Henry was tending to her,
5 right?

6 A. Yes, sir.

7 Q. And you went back to practice, correct?

8 A. Yes, sir.

9 Q. You didn't pass off the care of Ali to a
10 competent adult other than Kim Henry, right?

11 A. Kim Henry is a competent adult.

12 Q. Do you know if Southeastern University has
13 a concussion protocol?

14 A. They do.

15 Q. Did you read that concussion protocol
16 prior to September 1st, 2016?

17 A. The concussion protocol isn't necessarily
18 for me to follow. It's more for the athletic
19 training department. My protocol simply states that
20 I'm not to assess. In fact, I think it would be
21 more problematic than anything for me to assess
22 injuries. I --

23 Q. But if there's no athletic trainer
24 available, how does the student athlete -- how is a
25 student athlete guaranteed a proper response and

1 management of their injury?

2 A. Athletic trainers are always available, in
3 fact, whether or not they're present. And there
4 have been times at practice where --

5 Q. Did you call an athletic trainer on
6 September 1st, 2016?

7 A. Not at the time, no. I didn't think I
8 needed to. I really mean that.

9 Q. When was the first time you saw
10 Southeastern University's concussion protocol?

11 A. We have an athletic -- head athletic
12 coaches orientation in the summer where we'll talk
13 about various subjects.

14 Q. Was that this summer, 2017?

15 A. No, sir. It was my first year of being
16 hired, which would have, I believe, been 2015.

17 Q. Okay. So did you see Southeastern
18 University's concussion protocol in the summer of
19 2015?

20 A. I don't know if I saw the protocol, but we
21 simply -- we certainly talked about injury protocol.

22 Q. Let's focus on a concussion protocol.

23 A. I don't know if it's mine to see
24 necessarily. I think that's more for --

25 Q. So it's safe to say you never read

1 Southeastern University's concussion protocol prior
2 to September 1st, 2016?

3 MR. MARI: Object to the form.

4 You can answer.

5 THE WITNESS: Sure.

6 BY MR. ALVAREZ:

7 Q. Yeah, you've never read it prior to
8 September 1st, 2016?

9 A. I don't think so, no.

10 Q. Have you read it since?

11 A. No.

12 Q. Do you know if Kim Henry has read it
13 since?

14 A. I don't know.

15 Q. Do you know if she read it prior to
16 September 1st, 2016?

17 A. I don't know.

18 Q. Have you guys had any conversations about
19 Southeastern University's concussion protocol since
20 this injury?

21 A. We have talked about Southeastern
22 University's injury protocol, yes.

23 Q. After Ali returned to cheer practice, did
24 you observe any kind of difference in her abilities?

25 A. When she was cleared to return?

1 Q. Yes.

2 A. No.

3 Q. You didn't notice any kind of
4 forgetfulness, any kind of inability to follow
5 direction by you?

6 A. No, I don't think so.

7 Q. You never got on to her in front of the
8 other cheerleaders with regards to her inability to
9 follow your directions in performing stunts?

10 A. It's hard to answer that because I have --
11 I don't know how many athletes at the time. I'll
12 say 15. And I kind of get on to all of them. So I
13 may very well have gotten on to Ali, but I get on to
14 all my athletes. You can ask any one of them that.

15 Q. Do you know who the medical provider is
16 other than the athletic trainer who's assigned by
17 SEU to care for concussions or their student
18 athletes?

19 A. We have two physicians that are our
20 Southeastern University physicians, yes.

21 Q. Do you know if either of them cleared Ali
22 to return to play?

23 A. I don't believe that she needed to see a
24 medical doctor, so I don't believe she was seen by
25 one.

1 Q. Why don't you believe she needed to see a
2 medical doctor?

3 A. I should probably go ahead and say that
4 that's not my belief to hold. And I trust our
5 athletic training department wholeheartedly. And if
6 she needed to be seen by one, she would have been
7 seen by one, but I don't believe that she was seen
8 by one.

9 Q. What athletic conference is SEU a part of?

10 A. The NAIA.

11 Q. That's the National Association of
12 Intercollegiate Athletics?

13 A. Yes, sir.

14 Q. And do you know if they have a concussion
15 protocol?

16 A. I don't know.

17 Q. But if they had a concussion protocol, you
18 would agree with me that that's set forth for the
19 safety of student athletes playing in the NAIA?

20 A. Yes.

21 Q. Would you agree with me that's
22 authoritative on how to respond to concussions?

23 A. Yes.

24 Q. And would you agree that the AACCA is the
25 industry standard? I think you said the gold

1 standard earlier, right?

2 A. The industry standard for cheerleading,
3 yes.

4 Q. Okay. Do you have any -- actually, I just
5 asked you that, so never mind.

6 Tell me about the homecoming game. Was
7 that Ali's last performance as a cheerleader?

8 A. I don't remember. I believe so, but I
9 don't remember.

10 Q. Did she have any issues at that game?

11 A. Not that I can recall.

12 Q. Did she ever have any dizziness in
13 practice after she returned?

14 A. I don't believe so.

15 Q. What do you mean you don't believe so?
16 Did she ever tell you she was dizzy?

17 A. Not that I can remember, but I'm just
18 thinking that if she had said, coach, I'm dizzy, I
19 would have told her to go see the athletic trainer
20 immediately and cease all activity.

21 Q. Do you know if Lana Olson ever texted you
22 and told you not to allow Ali to perform any stunts?

23 A. Yes, I'm certain of. Whether or not it
24 was a text message or a phone call, Lana did inform
25 me that Ali was to cease activity.

1 Q. How many times did Lana do that?

2 A. I have no idea. We talk frequently.

3 Q. And did you not allow Ali to practice
4 after that?

5 A. Oh, absolutely not.

6 Q. And did you allow her to participate in
7 the homecoming after that?

8 A. I allowed her to participate in whatever
9 Lana told me she could participate in. So if she
10 told me that she could, then yes. I don't remember
11 that specific game.

12 Q. So, basically -- clearing everything up.
13 You're pretty much deferring to Lana Olson with
14 regards to all treatment for Ali, correct?

15 A. Yes.

16 Q. And that's because you --

17 A. That's my protocol.

18 Q. That's your protocol or is it SEU's
19 protocol?

20 A. SEU's protocol. My protocol as an
21 employee of Southeastern University.

22 Q. Did you speak with Ali's mother ever with
23 regards to her concussion?

24 A. Maybe. Did I? One time, I think. Or
25 maybe I didn't. I don't remember.

1 Q. You tell me.

2 A. Well, you're asking loaded questions,
3 so... I don't remember speaking -- maybe I did
4 briefly.

5 Q. It's not a loaded question. I don't know.
6 Can you tell me if you spoke to her mom ever?

7 A. I think maybe I did once.

8 Q. What did you talk to her mom about?

9 A. I have absolutely no idea. I completely
10 forgot about that conversation until right now.

11 Q. So there was a conversation?

12 A. I have no idea. I think so. I would see
13 her mother at games.

14 Q. What did Lana Olson tell you about Ali's
15 condition?

16 A. When?

17 Q. The first time after September 1st, 2016.
18 When was the first time you spoke with Lana Olson
19 with regards to Ali Roberts after September 1st,
20 2016?

21 A. Probably that she had a concussion and she
22 was not able to do anything at my practice.

23 Q. Do you know if that was via text message?

24 A. I don't remember.

25 Q. Who's your cell phone provider?

1 A. AT&T.

2 MR. ALVAREZ: Okay. Can we go off the
3 record for a second?

4 (A discussion was held off the record.)

5 BY MR. ALVAREZ:

6 Q. Did Lana ever relay to you any concern
7 about Ali continuing to practice or return to
8 stunting?

9 A. Yes.

10 Q. What did she say about her concerns?

11 A. Just like any other injury. She would
12 communicate the progress of an athlete returning to
13 practice and performance, and so our conversations
14 had to do with how she was doing, because we do
15 have, like, a return to play -- I believe that's
16 what it's called -- protocol for Lana. And so she
17 would talk to me about basically where Ali was at.
18 Every coach is very curious as to when athletes will
19 return, of course, and -- especially for me. I have
20 to choreograph and put, you know, formations and
21 stunts together, so I need to know, you know, kind
22 of as soon as possible when the anticipated return
23 to play is so I can either put Ali in routines or
24 not. So -- or in stunts or anything like that. So
25 everything --

1 Q. Is there a recruiting process for
2 cheerleaders?

3 A. Yes.

4 Q. So did you recruit Ali?

5 A. Yes. She was my first recruit.

6 Q. Where did you recruit her from?

7 A. She was recruited from Polk State. I
8 believe that she reached out to me as to her
9 interest in cheerleading at Southeastern.

10 Q. Okay. And you helped bring her into
11 Southeastern?

12 A. Helped bring her in. What do you mean by
13 that?

14 Q. Did she get a scholarship from
15 Southeastern University?

16 A. Yes, sir.

17 Q. Okay. And then do you -- how much is the
18 scholarship for?

19 A. It was the largest scholarship I ever
20 gave. Ten thousand dollars.

21 Q. And that's for her entire career at
22 Southeastern University?

23 A. No, sir. They're always contingent.
24 Every year they change up and down based on a number
25 of factors. So the first year of the scholarship

1 they gave her \$10,000. And then the next year she
2 was living off campus, meaning that -- I believe
3 that her total out of pocket would be like \$9,000
4 less. So I believe I dropped her scholarship to
5 \$6,000, which in terms of an out-of-pocket was
6 actually quite a bit less and a lot more generous
7 than the \$10,000.

8 Q. Did she have to repay that or does she
9 retain the full value of that scholarship after her
10 injury?

11 A. No. There's a contingency with
12 scholarships that as soon as -- and Ali quit the
13 team. So it is prorated based on when she left. So
14 the date that she quit was the last day -- or maybe,
15 perhaps, the day before was the last day of her
16 scholarship.

17 Q. Did she tell you why she quit the team?

18 A. She had the injury and then she got pretty
19 sick, actually, right after the injury, and it was
20 sort of one of those "I kind of can't catch a
21 break", she's graduating this year, and so she quit.

22 Q. Do you know what kind of sickness she got
23 after the injury?

24 A. I don't remember.

25 Q. Was it fatigue? migraines?

1 A. No, that's not what it was. It was like
2 mono or strep or something like that that's
3 diagnoseable.

4 Q. Okay. We're almost done.

5 A. She had an ear infection, I believe, is
6 definitely one thing that she had. I'm pretty sure.

7 Q. She had an ear infection?

8 A. I think so. I don't remember. I'd have
9 to look back, but...

10 Q. It wasn't vertigo as a result of the
11 concussion, was it?

12 A. Not that I'm aware of.

13 Q. Did you ever speak to Ali personally about
14 her injury?

15 A. Certainly.

16 Q. What did she say?

17 A. We would talk about where she was at with
18 the concussion protocol -- or the return to play
19 protocol, excuse me. I would text her and ask her
20 how she was and she would tell me, I have a
21 headache, or whatnot. I mean, she's my girl. I
22 told Ali all the time, "You're my girl." She was my
23 first recruit ever, so I'm very endeared to Ali even
24 still.

25 MR. ALVAREZ: I do not have any other

1 questions.

2 MR. MARI: She'll read.

3 THE WITNESS: Thank you.

4 MR. ALVAREZ: Have a good one.

5 THE COURT REPORTER: Are you ordering this
6 one too?

7 MR. ALVAREZ: Yeah, I'm going to order
8 that one too. PDF, please.

9 (The deposition was concluded at
10 3:54 p.m.)

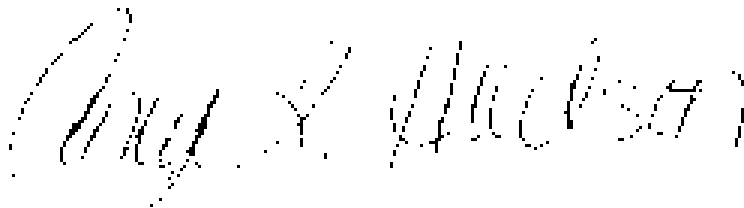
CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF POLK)

I, Amy J. Hudson, Court Reporter and Notary Public,
State of Florida, certify that the aforementioned
witness, KRISSA WALLSTEADT, personally appeared
before me and was duly sworn on the 27th day of
September, 2017.

WITNESS my hand and official seal this 6th day of
October, 2017.



AMY J. HUDSON, COURT REPORTER
Notary Public - State of Florida
My Commission No.: FF088703
Expires: February 2, 2018

CERTIFICATE OF REPORTER

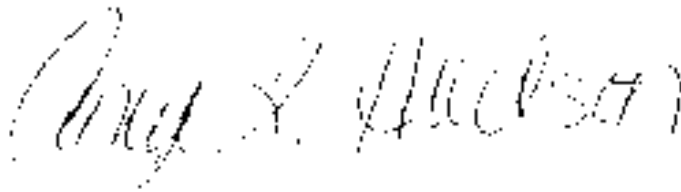
STATE OF FLORIDA)

COUNTY OF POLK)

I, Amy J. Hudson, Professional Court Reporter,
certify that I was authorized to and did
stenographically report the foregoing proceedings;
that a review of the transcript was requested; and
that the transcript, pages 4 through 42, is a true
and complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the
parties, nor am I a relative or employee of any of
the attorneys or counsel connected with the action,
nor am I financially interested in the action.

DATED this 6th day of October, 2017.



AMY J. HUDSON, COURT REPORTER

1 October 6, 2017

2 Peterson & Myers, P.A.
3 C/O Blake E. Paul, Esquire
4 225 East Lemon Street, Suite 300
5 Lakeland, Florida 33803

6 IN RE: ALI ROBERTS V. SOUTHEASTERN UNIVERSITY

7 Dear Mr. Paul:

8 This letter is to advise you that the transcript of
9 your client, Krissa Wallsteadt, taken in the
10 above-styled case on September 27, 2017, has been
11 completed and is awaiting her reading and signing.

12 Please have her contact our office at (800)211-3376
13 to make arrangements to read and sign the deposition
14 transcript. Our office hours are 9:00 a.m. to 5:00
15 p.m., Monday through Friday.

16 If the transcript is not signed by the witness
17 within 30 days after this letter has been furnished,
18 we will then process the transcript without a signed
19 errata page. If your client wishes to waive their
20 signature, please have her sign her name at the
21 bottom of this letter and return it to our office at
22 101 East Kennedy Boulevard, Suite 3350, Tampa,
23 Florida 33602.

24 Your prompt attention to this matter is appreciated.

25 Sincerely,

Amy J. Hudson, Court Reporter

KRISSA WALLSTEADT

Cc: Joseph G. Alvarez, Esquire
Nicholas Mari, Esquire

ERRATA SHEET

IN RE: ROBERTS V. SOUTHEASTERN UNIVERSITY

CASE NO.: 2017-CA-001248

DEPOSITION OF: KRISSA WALLSTEADT

DATE TAKEN: SEPTEMBER 27, 2017

PAGE LINE CORRECTION AND REASON THEREFORE

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Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Date

Signature of Deponent

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